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8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF MOHAVE**

10 RYAN MIKULA, individually; and TAMMI
11 WILBER, individually,

12 Plaintiffs,

13 vs.

14 COMEDY ON DECK TOURS, INC. a
15 Nevada corporation; GARY GREIP and
16 JANE DOE GREIP, husband and wife;
17 JOHN DOES I-X; JANE DOES I-X;
18 BLACK CORPORATIONS I-X; and
19 WHITE PARTNERSHIPS I-X,

20 Defendant.

NO.

COMPLAINT

(Tort, Motor Vehicle)

(Tier 2)

21 Plaintiffs Ryan Mikula and Tammi Wilber (hereinafter "Plaintiffs"), through counsel
22 undersigned, for their Complaint allege as follows:

23 **PARTIES, JURISDICTION & VENUE**

24 1. Plaintiffs are, and were at all times relevant hereto, residents of Outagamie
25 County, Wisconsin.

26 2. Upon information and belief, Defendant Comedy on Deck Tours, Inc., is, and was
27 at all times relevant herein, a Nevada corporation authorized to conduct business in the State of
Arizona, and caused an event to occur in the State of Arizona from which arose the claims that
are the subject of this lawsuit.

1 3. Upon information and belief, and at all times relevant hereto, Defendants Gary
2 Greip and Jane Doe Greip, husband and wife, are residents of Clark County, Nevada.

3 4. Defendants Gary Greip and Jane Doe Greip, at all times relevant herein, were
4 married, and all acts complained of herein occurred pursuant to and in furtherance of their
5 marital communities.
6

7 5. Upon information and belief, Defendant Gary Greip was an employee, contractor,
8 or agent of Defendant Comedy on Deck Tours, Inc., and acting within the course and scope of
9 his agency or employment, or under the direction and control of Defendant Comedy on Deck
10 Tours, Inc., or in the furtherance of or on behalf of business conducted by Defendant Comedy
11 on Deck Tours, Inc., or under such other circumstances as to justify imputing responsibility to
12 Defendant Comedy on Deck Tours, Inc. for the careless and negligent acts complained of
13 herein.

14 6. Defendant Comedy on Deck Tours, Inc., is responsible for the actions of their
15 employees, contractors, and agents under the doctrine of *respondeat superior*, as well as for
16 their agents and ostensible agents through such agency principles. The acts and omissions of the
17 employees, contractors, agents, and ostensible agents alleged herein, are negligent, and directly
18 and proximately caused and/or contributed to Plaintiffs' injuries and damages.

19 7. The true names and capacities and relationships to the fictitious Defendants
20 designated as "John Does I-X," "Jane Does I-X," "Black Corporations I-X" and "White
21 Partnerships I-X" are presently unknown, but each were either jointly or severally liable with the
22 named Defendants for the events and happenings referred to herein and proximately caused the
23 resulting damages and injuries to Plaintiffs. The true names of these Defendants are, at this time,
24 unknown to Plaintiffs. When their true names are ascertained, Plaintiffs will seek leave to
25 amend this Complaint so as to name them properly.
26
27

1 8. All Defendants identified as corporations, or other such entities, were at all times
2 mentioned herein, acting by and through officers, employees, agents, and representatives, who
3 were acting within the course and scope of their employment and authority, such that these
4 corporations or other such entities are bound by, and are vicariously liable for, the conduct of
5 their officers, agents, employees, and representatives. Such corporations or other such entities
6 also are directly liable for their own negligence, recklessness, and other tortious conduct in the
7 hiring and supervision of the officers, employees, agents, and representatives whose conduct
8 gives rise to this action.
9

10 9. All acts complained of herein occurred in Mohave County, Arizona.

11 10. Jurisdiction and venue of this action are proper in Mohave County, Arizona.

12 11. The amount in controversy exceeds the minimum jurisdiction of this Court.

13 12. Pursuant to Ariz. R. Civ. P. Rule 8(b)(2), the damages sought and case complexity
14 are sufficient to qualify this matter as Tier 2 as defined by Rule 26.2(c)(3).
15

16 GENERAL ALLEGATIONS

17 13. Plaintiffs incorporate as if fully stated herein the allegations of all previous and
18 subsequent paragraphs of this Complaint.

19 14. On January 22, 2021, Plaintiffs engaged Defendant Comedy on Deck Tours, Inc.
20 to take a tour of the Grand Canyon National Park.

21 15. Defendant Gary Greip, an employee, contractor, and/or agent of Defendant
22 Comedy on Deck Tours, Inc., operated the tour bus on behalf of Defendant Comedy on Deck
23 Tours, Inc.

24 16. As Defendant Gary Greip traveled eastbound on Diamond Bar Road, a two lane
25 paved roadway, he failed to negotiate a right curve and entered a ditch along the eastbound lane
26 of travel.
27

1 medical bills, loss of earnings and earning capacity, permanency and/or physical impairment in
2 amounts to be determined at the time of trial.

3
4 **THIRD CLAIM FOR RELIEF**

5 *(Negligence per se)*

6 36. Plaintiffs incorporate all other paragraphs as though fully set forth herein.

7 37. At the time of the collision, the State of Arizona had statutes, ordinances, and
8 codes to regulate traffic.

9 38. Plaintiffs are members of the class that the statutes, ordinances, and codes are
10 intended to protect.

11 39. Defendants violated the traffic statutes, ordinances, and codes when Defendant
12 Gary Greip failed to control the tour bus to avoid a collision.

13 40. Defendants' violation of the statutes, ordinances, and codes caused Plaintiffs to
14 suffer injuries, losses, and damages against which the statutes, ordinances, and codes are
15 intended to protect.

16 41. As a direct, proximate, and foreseeable result of the negligence per se of
17 Defendants, Plaintiffs suffered physical and emotional injuries and past and future damages,
18 including physical pain and suffering, inconvenience, loss of enjoyment of life, mental anguish,
19 medical, hospital, rehabilitation, therapy, and doctor bills, loss of earnings and earning capacity,
20 permanency and/or physical impairment in amounts to be determined at the time of trial.

21
22 **FOURTH CLAIM FOR RELIEF**

23 *(Negligent Entrustment of a Vehicle)*

24 42. Plaintiffs incorporate all other paragraphs as though fully set forth herein.

25 43. Upon information and belief, Defendant Comedy on Deck Tours, Inc., is the
26 owner of the commercial tour bus Defendant Gary Greip was driving at the time of the collision.
27

48. As a direct, proximate, and foreseeable result of Defendant Comedy on Deck Tours, Inc.'s negligent entrustment, Plaintiffs suffered physical and emotional injuries and past and future damages, including physical pain and suffering, inconvenience, loss of enjoyment of life, mental anguish, medical, hospital, rehabilitation, therapy, and doctor bills, loss of earnings and earning capacity, permanency and/or physical impairment in amounts to be determined at the time of trial.

(Negligent Hiring, Training, Retention, and Supervision)

51. Defendant Comedy on Deck Tours, Inc., was responsible for the hiring, training, retaining, supervision, and control of its employees and/or agents, including Defendant Gary Greip.

- 1 B. For general damages in an amount found to be fair and reasonable by this Court at
2 trial;
3
4 C. For compensatory damages in an amount to be fair and reasonable by this Court at
5 trial;
6
7 D. For such other sums which are reasonable and necessary to fairly and adequately
8 compensate Plaintiffs for all past, present, and future special, general, and
9 compensatory damages.
10 E. For lost wages and loss of earning capacity.
11 F. For Plaintiffs' costs incurred herein.
12 G. For damages, relief, orders, and injunctions to deter Defendants from future
13 conduct and protect public safety; and
14 H. For any such other relief as the Court deems just and proper under the
15 circumstances.

16 **RESPECTFULLY SUBMITTED** this 25th day of January, 2022.

17 **MILLER KORY ROWE LLP**

18 By: /s/ Jeffrey B. Miller

19 Jeffrey B. Miller
20 650 North Third Avenue
21 Phoenix, Arizona 85003
22 *Attorneys for Plaintiffs*

23 **ORIGINAL** of the foregoing was
24 E-filed through www.azturbo.court.gov
25 this 25th day of January, 2022.

26 By: /s/ Kathy Anderson
27